

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x

SEONG SOO HAM and EUN YONG  
LEE, for themselves and for all others  
similarly situated,

Plaintiffs,

-against-

SUSHI MARU EXPRESS, KEVIN  
KIM, HAK JAE LIM, and JOHN  
DOES 1-5,

**MEMORANDUM AND ORDER**  
No. 15-CV-6138 (FB) (MDG)

Defendants.

-----x

**BLOCK, Senior District Judge:**

On November 17, 2016, Magistrate Judge Go issued a Report and Recommendation (“R&R”) reporting that the settlement reached between all plaintiffs and defendants in this case is fair and reasonable under the circumstances. The Settlement Agreement provides that, in exchange for general release and compliance with its terms and conditions, Sushi Maru Express will pay \$52,324.25 to Seong Soo Ham, and \$32,676.75 to Eun Yong Lee. The parties agreed that attorneys’ fees and costs would be determined separately. Counsel for all parties agreed to waive objections to the recommendation made.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See*

*Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court, however, will excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R. Therefore, the Court adopts it without de novo review. The Clerk shall enter judgment in accordance with the R&R.

**SO ORDERED.**



Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
December 9, 2016